

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 461

Introduced by Cudaback, 36; Janssen, 15; Kremer, 34; Quandahl, 31;
Schmitt, 41; Smith, 48; Vrtiska, 1

Read first time January 14, 1999

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to public meetings; to amend section 84-1411,
2 Revised Statutes Supplement, 1998; to authorize use of
3 telephone conference calls; to harmonize provisions; to
4 repeal the original section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-1411, Revised Statutes Supplement,
2 1998, is amended to read:

3 84-1411. (1) Each public body shall give reasonable
4 advance publicized notice of the time and place of each meeting by
5 a method designated by each public body and recorded in its
6 minutes. Such notice shall be transmitted to all members of the
7 public body and to the public. Such notice shall contain an agenda
8 of subjects known at the time of the publicized notice or a
9 statement that the agenda, which shall be kept continually current,
10 shall be readily available for public inspection at the principal
11 office of the public body during normal business hours. Except for
12 items of an emergency nature, the agenda shall not be altered later
13 than (a) twenty-four hours before the scheduled commencement of the
14 meeting or (b) forty-eight hours before the scheduled commencement
15 of a meeting of a city council or village board scheduled outside
16 the corporate limits of the municipality. The public body shall
17 have the right to modify the agenda to include items of an
18 emergency nature only at such public meeting.

19 (2) A meeting of a state agency, state board, state
20 commission, state council, or state committee, of an advisory
21 committee of any such state entity, of an organization created
22 under the Interlocal Cooperation Act or the Municipal Cooperative
23 Financing Act, of the governing body of a public power district
24 having a chartered territory of more than fifty counties in this
25 state, or of the governing body of a risk management pool or its
26 advisory committees organized in accordance with the
27 Intergovernmental Risk Management Act may be held by means of
28 videoconferencing if:

1 (a) Reasonable advance publicized notice is given;

2 (b) Reasonable arrangements are made to accommodate the
3 public's right to attend, hear, and speak at the meeting, including
4 seating, recordation by audio or visual recording devices, and a
5 reasonable opportunity for input such as public comment or
6 questions to at least the same extent as would be provided if
7 videoconferencing was not used;

8 (c) At least one copy of all documents being considered
9 is available to the public at each site of the videoconference;

10 (d) At least one member of the state entity, advisory
11 committee, or governing body is present at each site of the
12 videoconference; and

13 (e) No more than one-half of the state entity's, advisory
14 committee's, or governing body's meetings in a calendar year are
15 held by videoconference.

16 Videoconferencing shall not be used to circumvent any of
17 the public government purposes established in sections 84-1408 to
18 84-1414.

19 (3) A meeting of the governing body of a joint entity
20 formed under the Interlocal Cooperation Act or of the governing
21 body of a risk management pool or its advisory committees organized
22 in accordance with the Intergovernmental Risk Management Act may be
23 held by telephone conference call if:

24 (a) The territory represented by the member public
25 agencies of the entity or pool covers more than one county;

26 (b) Reasonable advance publicized notice is given which
27 identifies each telephone conference location at which a member of
28 the entity's or pool's governing body will be present;

1 (c) All telephone conference meeting sites identified in
2 the notice are located within primary public buildings used by
3 members of the entity or pool or at a place which will accommodate
4 the anticipated audience;

5 (d) Reasonable arrangements are made to accommodate the
6 public's right to attend, hear, and speak at the meeting, including
7 seating, recordation by audio recording devices, and a reasonable
8 opportunity for input such as public comment or questions to at
9 least the same extent as would be provided if a telephone
10 conference call was not used;

11 (e) At least one copy of all documents being considered
12 is available to the public at each site of the telephone conference
13 call;

14 (f) At least one member of the governing body of the
15 entity or pool is present at each site of the telephone conference
16 call identified in the public notice;

17 (g) The telephone conference call lasts no more than one
18 hour; and

19 (h) No more than one-half of the entity's or pool's
20 meetings in a calendar year are held by telephone conference call.

21 Nothing in this subsection shall prevent the
22 participation of consultants, members of the press, and other
23 nonmembers of the governing body at sites not identified in the
24 public notice. Telephone conference calls shall not be used to
25 circumvent any of the public government purposes established in
26 sections 84-1408 to 84-1414.

27 (4) The secretary or other designee of each public body
28 shall maintain a list of the news media requesting notification of

1 meetings and shall make reasonable efforts to provide advance
2 notification to them of the time and place of each meeting and the
3 subjects to be discussed at that meeting.

4 ~~(4)~~ (5) When it is necessary to hold an emergency meeting
5 without reasonable advance public notice, the nature of the
6 emergency shall be stated in the minutes and any formal action
7 taken in such meeting shall pertain only to the emergency. Such
8 emergency meetings may be held by means of electronic or
9 telecommunication equipment. The provisions of subsection ~~(3)~~ (4)
10 of this section shall be complied with in conducting emergency
11 meetings. Complete minutes of such emergency meetings specifying
12 the nature of the emergency and any formal action taken at the
13 meeting shall be made available to the public by no later than the
14 end of the next regular business day.

15 ~~(5)~~ (6) A public body may allow a member of the public or
16 any other witness other than a member of the public body to appear
17 before the public body by means of video or telecommunications
18 equipment.

19 ~~(6)~~ (7) It is the intent of the Legislature that on or
20 before January 1, 1997, the Government, Military and Veterans
21 Affairs Committee of the Legislature review the effects of
22 subsections (2) and ~~(5)~~ (6) of this section on openness of
23 meetings, effectiveness of public access arrangements, costs and
24 cost-savings, and any tendency observed to abuse or circumvent the
25 open meeting provisions of sections 84-1408 to 84-1414. The
26 committee shall develop and propose any corrective legislation it
27 deems necessary.

28 Sec. 2. Original section 84-1411, Revised Statutes

1 Supplement, 1998, is repealed.

2 Sec. 3. Since an emergency exists, this act takes effect

3 when passed and approved according to law.